

CITY OF EL PASO, TEXAS
DEPARTMENT HEAD'S SUMMARY REQUEST FOR COUNCIL ACTION (RCA)

DEPARTMENT: AIRPORT

AGENDA DATE: INTRODUCTION - 11-16-04/PUBLIC HEARING - 11-30-04

CONTACT PERSON/PHONE: Patrick T. Abeln, A.A.E. - 780-4724

DISTRICT(S) AFFECTED: 3

SUBJECT:

APPROVE an Ordinance amending Title 14 (Aircraft and Airports), Chapter 14.16 (Airport use regulations) of the El Paso Municipal Code by amending Section 14.16.135, Fuel flowage fees, to delete the exception for aircraft involved in a commercial activity for which payment of a landing fee is required. The penalty as provided in Chapter 1.08 of the El Paso Municipal Code.

BACKGROUND / DISCUSSION:

The Department of Aviation charges a flowage fee for fuel delivered at El Paso International Airport. Certain aircraft operators are exempt from this fee (signatory airlines/signatory cargo operator that pay landing fees and facility rental fees). The purpose of this action is to insure that transient operators pay both a fuel flowage and landing fee. Our signatory airline and air cargo operator have signed long term contractual agreements supporting our passenger terminal and air cargo complex. Transient commercial operators on the other hand, do not have the same capital investment and commitment to our airport.

PRIOR COUNCIL ACTION:

Has the Council previously considered this item or a closely related one? If so, when?

N/A

AMOUNT AND SOURCE OF FUNDING:

How will this item be funded? Has the item been budgeted? If so, identify funding source by account numbers and description of account. Does it require a budget transfer?

N/A No cost implications; revenues have been accounted for in budget.

BOARD / COMMISSION ACTION:

N/A

Enter appropriate comments or N/A

*****REQUIRED AUTHORIZATION*****

LEGAL: (if required)

Sylvia Brunda Firth
Sylvia Brunda Firth, Asst. City Attorney

FINANCE: (if required)

OTHER:

Patrick T. Abeln, A. A. E., Director of Aviation

(Example: if RCA is initiated by Purchasing, client department should sign also)

Information copy to appropriate Deputy City Manager

APPROVED FOR AGENDA:

CITY MANAGER: _____

DATE: _____

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ORDINANCE NO. _____

**AN ORDINANCE AMENDING TITLE 14 (AIRCRAFT AND AIRPORTS),
CHAPTER 14.16 (AIRPORT USE REGULATIONS) OF THE EL PASO
MUNICIPAL CODE BY AMENDING SECTION 14.16.135, FUEL FLOWAGE FEES, TO
DELETE THE EXCEPTION FOR AIRCRAFT INVOLVED IN A COMMERCIAL
ACTIVITY FOR WHICH PAYMENT OF A LANDING FEE IS REQUIRED. THE
PENALTY AS PROVIDED IN CHAPTER 1.08 OF
THE EL PASO MUNICIPAL CODE.**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. That Title 14 (Aircraft and Airports), Chapter 14.16 (Airport Use Regulations), of the El Paso Municipal Code is amended to read as follows:

14.16.135 Fuel flowage fees.

A fuel flowage fee of six cents per gallon shall be payable to the city for all aircraft fuel sold at the El Paso International Airport, except where a different fee is established by any lease or airline operating agreement in force and effect at the time this section is approved by the City Council and provided that the exception for fees established by existing lease or airline operating agreements shall not apply after the expiration, termination or cancellation of any such lease or airline operating agreement.

2. Except as herein amended, Title 14 (Aircraft and Airports), Chapter 14.16 (Airport Use Regulations) of the El Paso Municipal Code, shall remain in full force and effect.

PASSED AND APPROVED this 30th day of November 2004.

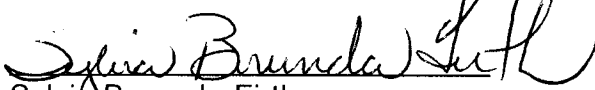
CITY OF EL PASO

ATTEST:

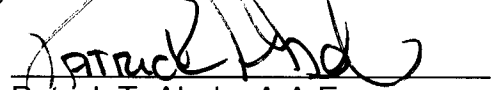
Joe Wardy
Mayor

Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:


Sylvia Borunda Firth
Assistant City Attorney

APPROVED AS TO CONTENT:


Patrick T. Abeln, A.A.E.
Director of Aviation

ORDINANCE NO. _____